

REMARKS

I. Status of the Claims

Claims 1-37 were originally filed and later canceled. Claims 38-51 were later added. Subsequently, claims 43-51 have been canceled. Claims 38-42 remain pending under examination.

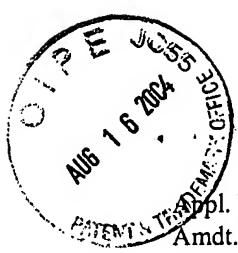
The present amendment deletes the word "moderately" in claim 38 and further recites "wherein the stringent conditions comprise hybridization in a solution comprising 6X SSC and 0.2% SDS at 65°C and washing in a solution comprising 1X SSC and 0.1% SDS at 65°C." This amendment is supported by the specification, e.g., on page 21, lines 15-20.

Since this amendment adds no new matter and does not require additional searches, Applicants respectfully request its entry.

II. Claim Rejection

Claims 38-42 were rejected under 35 U.S.C. §112, first paragraph, for alleged inadequate enablement. Specifically, the Examiner asserted that the specification does not adequately provide enablement for an isolated nucleic acid encoding an immunogenic portion of a soluble *M. tuberculosis* antigen that hybridizes under moderately stringent conditions to a polynucleotide sequence comprising SEQ ID NO:46. On the other hand, the Examiner acknowledged that the specification is enabling with regard to an isolated nucleic acid comprising SEQ ID NO:46 or an isolated nucleic acid that hybridizes under highly stringent conditions to SEQ ID NO:46.

In response, claim 38 has been amended to recite "wherein the nucleic acid hybridizes under stringent conditions to a nucleotide sequence comprising the sequence of SEQ ID NO:46 or a complement thereof" and further defines the stringent hybridization conditions to comprise "hybridization in a solution comprising 6X SSC and 0.2% SDS at 65°C and washing in a solution comprising 1X SSC and 0.1% SDS at 65°C." Applicants submit that these conditions



Appl. No. 10/084,843

Amdt. dated August 12, 2004

Amendment under 37 CFR 1.116 Expedited Procedure

Examining Group

PATENT

are highly stringent for polynucleotide hybridization. The enablement rejection is overcome in light of this amendment.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
ASP:cg
60268563 v1